

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

---

**JUN 5 2003**

**PATRICK FISHER**  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAMES ANTHONY EDWARD  
WALKER,

Defendant-Appellant.

No. 02-1385  
(D.C. No. 02-CR-103-B)  
(D. Colo.)

---

**ORDER AND JUDGMENT\***

---

Before **TACHA** , Chief Judge, **PORFILIO** and **BALDOCK** , Circuit Judges.

---

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

---

\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

In this direct criminal appeal, James Walker seeks only credit against his federal sentence for time served in federal custody prior to his conviction.

18 U.S.C. § 3585(b) provides, among other things, credit against a sentence “for any time . . . spent in official detention prior to the date the sentence commences . . . that has not been credited against another sentence.”

Nonetheless, under § 3585(b), “it is the Attorney General who computes the amount of the credit after the defendant begins his sentence.” *United States v. Wilson*, 503 U.S. 329, 333 (1992). The district court is not authorized to award this credit at sentencing. *See id.*; *see also United States v. Jenkins*, 38 F.3d 1143, 1144 (10th Cir. 1994). The judgment of the United States District Court for the District of Colorado is, therefore, AFFIRMED.

Entered for the Court

John C. Porfilio  
Circuit Judge